IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE ANTONY DOMINIC

TUESDAY, THE 11TH DECEMBER 2007 / 20TH AGRAHAYANA 1929

WP(C).No. 36347 of 2007(B)

PETITIONER:

MUSTHAFA, S/O.USMAN, 3RD YEAR B.PHARM STUDENT, COLLEGE OF PHARMACEUTICAL SCIENCE,CHERUVANDOOR, ETTUMANOOR, KOTTAYAM DISTRICT.

BY ADV. SRI.V.A.MUHAMMED
SRI.K.E.HAMZA

RESPONDENTS:
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1. **M.G.UNIVERSITY, REPRESENTED BY ITS REGISTRAR, PRIYADARSHINI HILLS P.O., KOTTAYAM-686 560.**

2. **THE CONTROLLER OF EXAMINATIONS, M.G.UNIVERSITY, PRIYADARSHINI HILL P.O., KOTTAYAM-686 560.**

3. **THE PRINCIPAL, COLLEGE OF PHARMACEUTICAL SCIENCE, CHERUVANDOOR, ETTUMANOOR, KOTTAYAM DISTRICT, PIN-686 631.**

BY SRI.T.A.SHAJI, SC, MG UNIVERSITY

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 11/12/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

ANTONY DOMINIC, J.
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W.P.(C) NO. 36347 OF 2007 B
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Dated this the 11th day of December, 2007

J U D G M E N T

Petitioner is a B.Pharm IIIrd year student. The grievance of the petitioner is that for the examination that is to commence tomorrow, he is not permitted to appear for the reason that he has not passed in three papers in the second year examination. The petitioner submits that he had applied for revaluation of those answer papers and that his applications which were made in June 2007, remain unattended even as of now. He submits that if his papers were revalued, he would have certainly passed and it is the non completion of his revaluation and declaration of result that lead to the problem.

2. I heard the standing counsel for the University, who submits that in terms of the Regulations, unless the petitioner clears all the papers in the second year, he is not entitled to sit in the final year. According to the University, it is because of these Regulations that the petitioner is not issued hall ticket or

permitted to appear for the exam.

3. Petitioner also does not question the regulations that are in force. All that the petitioner contends is that if the university had completed the revaluation in time pursuant to the application that he had made, he would have passed the exam and that had he passed the exam, he could have appeared for the final exam. The contention is that the University's inaction had lead to such a situation.

4. Irrespective of the controversy that is now raised by both sides, I am inclined to direct that pending declaration of the revaluation result, the petitioner be allowed to provisionally appear for the 3rd year examination, which is to commence from tomorrow. Therefore, the respondents are directed to permit the petitioner to provisionally appear for the 3rd year examination that is to commence from tomorrow. However, the declaration of his results will be made only on his successful completion of the second year three papers for which he has applied for revaluation.

5. The University is also directed to complete the

revaluation applied for by the petitioner, as expeditiously as possible, at any rate within six weeks of receipt of a copy of this judgment. Needless to say that if the petitioner does not come out successful in the revaluation, the 3rd year examination, which he undertakes pursuant to this judgment will automatically stand cancelled.

Writ petition is disposed of as above.

ANTONY DOMINIC, JUDGE.

Rp